

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
August 24, 2004

The meeting was called to order at 6:30 p.m. by Mayor Dirksen.

Council Present: Mayor Dirksen, Councilors Moore, Sherwood, Wilson, Woodruff

- STUDY SESSION

The Council discussed what the hearing process would be relating to the LUBA remand.

- EXECUTIVE SESSION – Not needed

- STRATEGIC PLANNING

Mr. Monahan noted he had suggested several dates in his memo and asked Councilors to review their calendars to indicate when they were available for this planning session. Councilors Woodruff and Sherwood offered the use of their homes for the meeting.

- VOTERS PAMPHLET MEASURE ENDORSEMENT INFORMATION

Mr. Monahan noted the memo from Deputy City Recorder Jane McGarvin relating to submitting information for the Washington County Voter's Pamphlet.

- ADMINISTRATIVE ITEMS

- a. Calendar Review

- August 31: Potential City Council Meeting (Ballot Title?)
 - September 14: City Council Business Meeting
 - September 18: Tigard Blast/Citizens Fair
 - September 21: City Council Workshop Meeting
 - September 28: City Council Business Meeting

➤ DOWNTOWN DEVELOPMENT PLAN

Barbara Shields, Long Range Planning Manager, reviewed the memo sent to Council regarding the Downtown Development Plan, which included a Statement of Work, a workflow diagram, and a list of community groups the Task Force were considering meeting with (See SS item #1 for memo). She noted an important element of the plan is citizen involvement opportunities. There will be two times where citizen involvement will be the focus: September and October when Task Force members and staff will meet with groups to gather information, and the other in February/March 2005 to review the refined alternatives. The September/October meetings will involve collecting input and comments from citizens which will then be given to the consultant to incorporate in the draft report. The draft plan is currently scheduled for Council review in December.

Ms. Shields asked the Council:

- What kind of participation the Council was interested in during the citizen involvement phase?
- Are there other groups that should be added to the target groups for the Task Force to contact and schedule meetings with?
- What type of participation does Council want to have in the process?

After discussion, the Councilors concurred they should attend a target group meeting as individual citizens, rather than being identified as a specific target group; their participation should be limited during the citizen involvement phases, so citizens feel the Council is not dominating or dictating the process.

Ms. Shields noted the current plan is to have the draft plan ready for a workshop meeting around December 2. She explained there is a technical advisory group overseeing the process, which consists of representatives from TriMet, Department of Land Conservation and Development (DLCD), and Washington County.

➤ BALLOT TITLE HEARING PROCESS

Tim Ramis, City Attorney, noted Council approved the ballot title and explanatory statement on August 10. State law allows citizens to challenge ballot titles either (a) through the circuit court, or b) the City Council if the City has adopted a local ordinance prescribing the appeal process, which Tigard has done (Tigard Municipal Code 1.12.030). There are four reasons someone could file an appeal: word count, conciseness, insufficiency, or the ballot title is unfair. A notice published on August 12 included the approved

ballot title language, information on how appeals to the ballot title could be made, and the appeal deadline of 5 p.m. on August 19. Two appeals were received during that time frame. Henry Kane's appeal focused on the process, and Ellen Godowski's appeal was concerned with the tax phase in and whether there were two subjects in the ballot title (annexation and tax phase in). Ballot titles consists of three parts with limitations on the number of words: caption (10 words); question (20 words), and summary (150 words). In addition, the explanatory statement was an attachment to the resolution, with a word count limit of 500 words. Ms. Godowski proposed a revised question: "Shall unincorporated Bull Mountain be annexed to Tigard with property taxes reduced for two years within the annexed area?" He stated Council could consider this proposal.

Mr. Ramis suggested Council allow the two challengers to first present any oral argument, followed by anyone else wishing to testify.

The Council then discussed whether the "phase in" language would make the ballot title clearer.

Mr. Ramis explained ORS 222 provides two annexation methods. One is without a phase in of taxes and the other incorporates the phase in of taxes as part of the annexation. He noted this is not a land use proceeding, so no findings were required or criteria to be met, other than Council feeling the ballot title is reasonable, fair, concise, and meets the word count limitations.

The Council concurred to allow 5 minutes per person for testimony.

➤ SKATEPARK IN CITY HALL PARKING LOT

Mr. Monahan noted the City Hall parking lot was blocked off to indicate the proposed skatepark area. After the library moved, it was decided to block off the area proposed for the skatepark and to identify the impacts the size might have on City Hall parking needs. Staff recognized that a number of employees would be on vacation in August and there would be additional parking needs when Water Building and Niche employees move to the City Hall complex. The skatepark area proposes to use between 12,000 and 15,000 square feet, depending on the amount of money collected to build it. There will be a demonstration at the Tigard Blast on September 18, where kids will give skateboard demonstrations as well as get input from other kids and adults relating to the size.

➤ CITY COUNCIL CANDIDATE INFORMATION

Mr. Monahan noted the one candidate for mayor is Craig Dirksen, and the candidates for the two council positions are Gretchen Buehner, Joshua Chaney, Alice Ellis Gaut, Sally Harding, and Tom Woodruff. Staff will prepare and send a letter this week to the candidates about a number of concerns. The letter will include information about the September 15 Candidate Orientation, the September 30 Candidate Forum, will also ask a number of questions, such as how they wish to receive Council Meeting packets, and information about the annual League of Oregon Cities meeting.

Mr. Monahan asked the Council if they wished to continue the practice of excluding candidates from Executive Sessions leading up to November 2, but once elected, inviting the councilor-elects to attend the Executive Sessions. The Council concurred to continue that process.

Study session recessed at 7:15 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the Council and Local Contract Review Board Meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson and Woodruff were present
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports - None
- 1.5 Call to Council and Staff for Non-Agenda Items - None

2. VISITOR'S AGENDA

- Lisa Hamilton-Treick, 13562 SW Beef Bend Road, unincorporated Bull Mountain, reviewed her concerns of how the Council finally arrived at this point, indicating the proposal was originally being considered as a double majority vote, then changing the process to follow ORS Chapter 195 using a single majority vote. On July 27, the attorney for the Friends of Bull Mountain testified that the ORS 195 process was not available for use in the metropolitan area. On August 10, Council finally approved the annexation using ORS Chapter 222 requirements with a double majority vote.

She indicated she had numerous times asked to have an open dialogue with staff or the Council to discuss the issues and resolve some of the problems, but no one has ever responded to her request to listen to Bull Mountain resident's

concerns. The Council held a hearing on July 27. On August 10, she felt the process was unraveling before everyone's eyes. This has been a very confusing process and she still did not know where the process will end up. She indicated she was troubled by the fact no one, including the staff, the City Attorney and City Manager, knew the ORS Chapter 195 method was not available to be used.

- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, stated she understood the hearings on Goal 5 were held in Hillsboro by Washington County. She would urge the City's representative, Councilor Wilson, to ask the Committee to give strong consideration to apply government designation to the remaining Class 1 habitat, and make appropriate adjustments for other land impacted as a result of the Goal 5 study. There continues to be a lot of paranoia about the takings issue. There needs to be an enforceable, firm program in order to protect the public resources not only ourselves, but for use by our children and future generations.
- John Frewing, 7110 SW Lola Lane, Tigard, indicated he had in the past testified that Metro allows housing lots and density to be other than what is specified in the Tigard Comprehensive Plan. He has heard comments that Metro commands a certain density, which is on a city-wide basis but not on individual lots. That is a requirement of the City of Tigard. He has been researching old City records to find data to support the density requirements Tigard currently imposes in its zoning map and code, but staff has not been able to find the data. He has worked with both Julia Hajduk and Jeanne Temple from the City to try to collect the data, going back to 1940 when there were only 122 houses in Tigard. He asked Council to prioritize the work of the staff so Tigard can develop the data to justify the density that is required on the community. He is also asking the City of Tigard to adopt a philosophy that there can be flexibility in the density other than what was on the zoning map as Metro allows that flexibility.

Councilor Wilson asked Mr. Frewing if he was suggesting that Tigard downzone properties. He noted these zones have been in place for almost 30 years.

Mr. Frewing suggested there needs to be flexibility in the zoning to allow the density that is allowable in concurrence with Metro's flexibility and Tigard's philosophy does not have to be so rigid. Some areas can be denser while other areas are less dense. The reason this became a concern to him was a comment made during the discussion about Bull Mountain that their area had long ago been planned for larger lots. While he does not live on Bull Mountain he began wondering if other areas of Tigard could have larger lots and not be required to be so densely developed. Metro officials indicated to him their rule

states Metro will make no ordinance or rule that commands density in a given neighborhood be increased. Bull Mountain currently has a density of three houses to an acre and Metro would not require that density to be increased. However, Tigard might require increased density on Bull Mountain if it were to be annexed. What he is saying is that in certain areas, three houses per acre ought to be allowed, as long as Tigard meets the overall density goals required by Metro.

Councilor Wilson noted the Council had made some changes as a result of the Metro 2040 requirement but the density requirement has been in place for many years. What is occurring though is that Tigard is being built out. He felt the issue Mr. Frewing is addressing has to do with the comprehensive plan revision, which would be the logical time to look at that issue. Council follows the rules that are in place and the rules cannot suddenly just change without first going through a long process. He would welcome Mr. Frewing's involvement during the comprehensive plan revision process.

Councilor Woodruff pointed out if the Bull Mountain area is annexed, that area will be reviewed relating to density requirements. He would not assume at this point the area would have the same density requirements as other areas of the City. The City will be looking at the whole city regarding density.

Mr. Frewing stated what he was suggesting is that the data was needed about the whole city as well as for the Bull Mountain area.

Mr. Monahan responded there will be an analysis of what the available land supply is, what the density opportunities are and what changes might be made as part of the comprehensive plan revision process. He talked with Mr. Frewing several weeks ago about the history of the City's comprehensive plan. The last density calculation for Tigard to meet the 10 units per acre requirement of the state-wide land use plans was completed in 1983. Those calculations were submitted to the Department of Land Conservation and Development (DLCD), who reviewed them with a fine-tooth comb and concluded the 10 units per acre requirement were barely met. There is not a requirement that cities constantly keep records to show the 10 units per acre opportunity remains. Updates made in 1998 used 1994 data. The appropriate time to do that study will be part of the comprehensive plan revision process. He further stated in 1983, it took a lot of time and negotiation to meet the 10 unit per acre requirement, but DLCD did acknowledge that Tigard met the requirement.

- Gretchen Buehner, 13249 SW 136th Place, commented that as a result of the Council's decision to remove the Fern Street properties from the Bull

Mountain Annexation ballot measure, she would urge Council to reevaluate its policy regarding having owner consent before annexing property. The City should probably change the policy to allow Council by motion to annex islands within the City limits.

3. CONSENT AGENDA:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt the Consent Agenda as follows:

- 3.1 Approve Resolution 04-63, AUTHORIZING THE SUBMITTAL TO THE OREGON DEPARTMENT OF TRANSPORTATION OF A TRANSPORTATION ENHANCEMENT FEDERAL AID APPLICATION TO FINANCE THE CONSTRUCTION OF THE WOODARD PARK/GRANT AVENUE SEGMENT OF THE FANNO CREEK TRAIL.
- 3.2 Local Contract Review Board:
 - a. Award DUST Construction Bid
 - b. Award Contract for the Construction of Mapleleaf Street Improvements

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

4. PREVIEW OF TIGARD BLAST/CITIZEN FAIR

Tyler Ellenson, Tyler's Automotive, and Liz Newton, Assistant to the City Manager, presented a PowerPoint presentation about the Tigard Blast/Citizen Fair. Mr. Ellenson reviewed the schedule for the day, which will include a parade at 10 a.m., car show on Main Street (traffic will be changed to a one-way grid in order to allow more access to view the vehicles), pancake breakfast, skatepark demonstrations, Youth Advisory Committee will hold a pie eating contest, Public Works equipment will on display at the Water Building parking lot, and the Community Development department will have information about the Downtown Project.

5. PUBLIC HEARING (LEGISLATIVE) TO CONSIDER AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 6 (HOUSING)

- a. Mayor Dirksen opened the public hearing.
- b. Staff Report

Duane Roberts, Long Range Planning Staff, explained the proposed comprehensive plan amendment updates the Housing Chapter by incorporating references to various actions the City has taken in recent years to support affordable housing. It also reflects the requirements of Metro's Title 7 on Affordable Housing adopted three years ago, which required jurisdictions to consider a number of identified tools and strategies for encouraging affordable housing development. Metro's evaluation for Tigard identified several deficiencies in Tigard's comprehensive plan. These amendments address those deficiencies. The amendments include:

- Allowing manufactured homes in all zoning districts which is already in the development code and comprehensive plan;
- Establishing a fee subsidy program for affordable housing development which Council adopted two years ago. Staff also recommends a guideline be added that will give preferential treatment to projects that serve to disburse affordable housing within the community.
- Require the development of a property maintenance code which the City accomplished in the late 1990's but is not referred to in the comprehensive plan.
- Encourages residents to make use of Washington County's Administrative Home Repair funds.

The Planning Commission held a public hearing on the proposed amendments and voted to recommend Council approve the amendments without changes.

Mr. Roberts noted comments were received regarding the amendments from the following:

- The Department of Land Conservation and Development (DLCD) referred to outstanding items identified by Metro which are technical in nature and which the County is currently questioning. DLCD also suggested the City of Tigard consider including affordable housing in its downtown planning effort currently underway as affordable housing is not identified as part of the downtown plan.
- John Frewing submitted several comments and suggestions. He proposed disbursement of affordable housing throughout the City by dividing the city into quadrants and requiring each quadrant to have its share of affordable housing. Mr. Frewing suggested enforcement

would be by prohibiting development in a quadrant until an affordable housing project is proposed for that quadrant. Staff did not support that proposal as blocking housing development would not address the main obstacle to affordable housing, which is funding. This proposal would not provide funds for affordable housing projects. In addition, moratoriums are governed by state law and can only be imposed if state-defined essential services are in short supply; affordable housing is not on the list of essential services.

c. Public Testimony

- John Frewing, 7110 SW Lola Lane, Tigard, said his proposal would put some teeth in the City's comprehensive plan provisions to get some affordable housing projects. Each quadrant should have some affordable housing. He can recall only a couple of affordable housing projects in Tigard. One recent one is located in the Metzger area. He pointed out the affordable housing project located on Hall Boulevard recently had a sidewalk installed from it to Hwy. 99. The sidewalk, however, was built around utility poles and mailboxes located in the middle of the sidewalk. He did not feel the sidewalk met ADA requirements for accessibility and width.

Councilor Sherwood responded there are affordable housing located in almost all quadrants but are not well publicized. Housing Services of Washington County operates a number of units in Tigard, including The Colonies at the base of Bull Mountain, a project on Bonita Road, and they are looking at others. Affordable housing projects require huge subsidies. She sits on the Housing Authority Board, and they heard a report today indicating there are going to be more cutbacks in funding for affordable housing projects, Section 8, and many other areas. She did not feel that other housing projects should be put on hold while funding was found for affordable housing because of the amount of money that is needed for those projects is so huge.

Mr. Frewing asked if Tigard has considered a supplemental fee on other development that could raise funds for affordable housing projects.

Councilor Sherwood replied she has been a member of the Blue Ribbon Task Force for the past year, who has tried to come up with a way to develop a fee that would be used for affordable housing projects. The Task Force looked into a real estate transfer fee, but did not believe the fee would be approved because too many people were

opposed to it. Any type of fee would have to be approved at the state legislature. Right now, it looks like anything is several years away.

Mr. Frewing asked if the Task Force has looked at a system development charge (SDC) fee, similar to parks SDC's that could be used for affordable housing.

Tim Ramis, City Attorney, explained that the SDC's had to first be authorized by the state legislature before local jurisdictions could implement a SDC for using funds in a particular area, such as parks.

Mr. Frewing explained he was just trying to come up with some type of program that would fund affordable housing in Tigard.

Councilor Sherwood noted Tigard is one of the few cities in Washington County which has a fund (\$10,000) that is used to reduce fees for affordable housing programs. It is not much, but it helps those groups putting a project together.

Councilor Woodruff explained Councilor Sherwood had reviewed the work of the Blue Ribbon Task Force recently and the needs and how difficult it is to fund affordable housing programs. He asked Mr. Frewing if his comments on affordable housing conflicts with his discussion about density, as more people want less density, not more. Affordable housing will probably be denser.

Mr. Frewing responded that there will be people in the Bull Mountain area with two units per acre, but maybe they should pay a fee to enjoy that environment, so the rest of the City would have a higher density. In that way, both high and low density would be met. He would support some type of fee on new development, particularly on those developments with a low density that would be used for affordable housing.

- Lisa Hamilton-Treick, 13565 SW Beef Bend Road, unincorporated Bull Mountain, stated she is a real estate broker and is concerned about the lack of affordable housing throughout the whole tri-county area. Tigard is not unique in not having enough affordable housing. There was an article in Sunday's Oregonian about an arrangement to purchase property under a trust so people can own their home. It will take creative solutions to address affordable housing issues. She participated in Tigard's Visioning Task Force where affordable housing

was discussed. She is not clear what is meant by affordable housing; does that mean affordable rents or affordable prices, or both. Home ownership benefits those who have the opportunity to buy a home.

Councilor Sherwood responded that she has lots of information on both affordable rents and prices. The Blue Ribbon Task Force noted that the subsidies were huge to get just one family into a house, whether it was rented, purchased, or built. Habitat for Humanity and Washington County have both built affordable housing units. Many are not successful, because not many lower income families can qualify to buy a house and then maintain it. Most to the focus is for affordable housing to rent and finding programs to help those low income people to get into a unit. This issue was discussed at the Housing Authority Board meeting today.

Ms. Hamilton-Treick stated a situation came to her attention recently about some property in Tigard that had some management issues that would prohibit them from being a good investment for a number of people. Some homes can be purchased by people on limited means. Due to these management issues in these neighborhoods or properties, they are not available to first time home buyers.

Councilor Sherwood concurred that in some condominium or homeowner associations, the fees are so high, by the time people qualify for the condominium, the additional association fees makes the unit unaffordable.

Ms. Hamilton-Treick added that another issue is the rental- to owner-occupied ratios, where management has not paid close enough attention to those ratios, and have let them get so out of whack, that a person who normally would qualify for conventional financing is no longer available and would have to get more expensive private financing.

Councilor Woodruff asked Ms. Hamilton-Treick if she had seen the Blue Ribbon Task Force report presented at the August 17 Council Workshop. The report provided the best information about affordable housing he has seen and was based on different sized homes, income levels, and what the reasonable amount someone could afford based on their income.

Ms. Hamilton-Treick stated she generally has concerns about many of the formulas used to compute the information, but she will take another look at the report.

Councilor Sherwood noted the report included pretty recent data prepared by technical people. The Blue Ribbon Task Force wanted hard numbers, not pie in the sky numbers, and the Task Force felt the information was pretty accurate.

Ms. Hamilton-Treick noted another concern was that many affordable housing projects are built and retained by a builder/developer and then rented back to people on limited means, or investors buy up all the units and rent them back to those people on limited means. That becomes counter productive. She stated she hoped the City is aware of those situations and does whatever is legal and fair to minimize that from happening.

Councilor Sherwood stated there is not a lot the City can do. That has to be the responsibility of the owners or the condominium associations themselves.

- Henry Kane, 12007 SW Camden Lane, Beaverton, stated the Beaverton City Council recently passed an ordinance addressing affordable housing, but unfortunately the ordinance did not contain any teeth to enforce or impose financial liability. One concern he has is what is meant by median income. He stated that as Portland and Multnomah County imposes more fees and taxes, more people will move out of Multnomah County to Washington County. There will be a breaking point unless there is a moratorium on building. If there is going to be affordable or subsidized housing, how much is it going to cost.

Mr. Roberts indicated the proposed ordinance does not add any fees or taxes.

d. Staff recommendation.

Mr. Roberts stated the staff recommendation was for Council to adopt the proposed ordinance with attached amendments as written.

e. Council Discussion

Councilor Sherwood stated she had already made her comments with respect to making each quadrant do affordable housing. She noted that a lot of people in the County and non-profit agencies are doing what they can. She supports the change to the comprehensive plan.

Councilor Woodruff concurred the Planning Commission reviewed the proposal and unanimously supported the recommendations.

Councilor Wilson pointed out land costs increase development costs and commented that Tigard is on the list of being one of the least affordable communities in the nation. The area remains somewhat affordable because of the low interest rates. When interest rates rise, that will not be the case. He noted Metro requires jurisdictions to maintain a certain amount of buildable land supply, while at the same time requiring affordable housing is provided. He suggested the addition of another implementation strategy, possibly under 6.3, which would state: "The city shall encourage the maintenance of an adequate regional land supply for housing."

Council then discussed the addition of the appropriate wording and location in the Housing Goal.

Motion made by Councilor Wilson, seconded by Councilor Sherwood, TO ADD THE FOLLOWING LANGUAGE TO SECTION 6.1 AS ITEM NO. 11, "THE CITY SHALL ENCOURAGE THE MAINTENANCE OF A SUFFICIENT REGIONAL RESIDENTIAL LAND SUPPLY."

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

Mayor Dirksen noted the City will be beginning its revision of the comprehensive plan in the near future, and this discussion made it clear to him how much this needs to be addressed, reviewed and changes made. He noted this action is a housekeeping measure to formally add Council policies adopted during the past couple of years on an informal basis into the Housing Goal to meet a Metro requirement. There will be other discussions in the future to review this goal again.

Motion was made by Councilor Sherwood, seconded by Councilor Wilson, TO APPROVE ORDINANCE 04-09, AN ORDINANCE AMENDING CHAPTER 6, HOUSING, VOLUME II OF THE TIGARD COMPREHENSIVE PLAN.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

6. PLANNED DEVELOPMENT COMMITTEE UPDATE

Dick Bewersdorff, Community Development, reported the Planned Development Committee has met three times and meets again September 7. The work plan is moving forward. There were several months when the Committee could not meet. The projection is to forward a recommendation for Planning Commission review and Council's approval.

Mayor Dirksen encouraged the committee to continue its work and he looks forward to their report and recommendation.

7. DARE SUMMER CAMP REPORT

Bill Dickenson, Police Chief, noted the Police Department has three primary responsibilities to carry out: 1) respond to emergencies and respond to calls for service; 2) investigate crimes that have occurred; and 3) carry out prevention and intervention programs. Chief Dickenson stated Tigard has an ongoing program of working with schools during their school year. The summer DARE program was developed to continue the work and involvement with students during the summer. He then introduced Community Service Officer Sheryl Huiras, who has operated and managed the DARE to be Great Summer Camp Program.

Officer Huiras explained the seventh year of DARE camp for kids was just completed. This year, the five weekly sessions were limited to 60 kids each as that are all one school bus will hold. In addition to the campers, 65 high school students volunteered as counselors and mentors. Both prospective campers and counselors had to be turned away because there was not enough room or funding to

accommodate everyone. The concept of the camps is to show how much fun kids can have being drug free and violence free. There is a variety of activities, including educational speakers, games, field trips, sports, DARE lessons, improving self esteem, public speaking, communication, and how to make new friends.

Officer Huiras pointed out the 5-week program costs the City \$25,000, but there is no cost to the kids. Last year the City received a grant which funded most of the cost, and they have applied for a grant for next year for \$23,467 from the State Juvenile Justice Program, but have not yet heard if the City will be awarded the grant. A number of community groups and businesses donate food and materials to help offset some of the costs.

Officer Huiras stated kids who attended camp as a camper are now returning as Counselors or mentors. To be a counselor, a student has to maintain a good grade point average and be drug and violence free. Many kids strive to come back as a volunteer counselor in order to give back to the program. She then introduced Charlie Sanbo, a DARE counselor and Romanee Gimbolo, a DARE camper, to talk about their experience at camp.

Charlie Sanbo stated he attended DARE camp for three years and can see how it helps both campers and counselors. Many kids were very impressed when City Manager Bill Monahan came to the camp to talk about the new library and the skatepark. There were a lot of questions about how they can volunteer with the city and to help at the skatepark. One counselor, Donnie Martin, for his Eagle Scout Project, gathered material and supplies for the DARE camp. He stated he and Donnie were both quite shy before they got involved with DARE camp; this experience helped him make new friends and get out and have fun, without getting involved with drugs or violence.

Romanee Gimbolo stated DARE camp has taught him a lot of things, how to make good choices, and not do drugs because drugs can harm his body. He is now involved in sports, including boxing, taekwondo, and will be starting soccer later this fall. He would recommend all kids to attend DARE camp.

Mayor Dirksen presented city pins to both Charlie and Romanee.

Councilor Sherwood stated she knew that Officer Huiras spends many hours outside of work hours on the DARE program. During the first couple of years when the program was first getting off the ground, she was scraping for money for food and supplies. She congratulated Officer Huiras for turning the program around so the City can be proud of it.

8. PUBLIC HEARING ON APPEAL OF BULL MOUNTAIN ANNEXATION
BALLOT TITLE

- a. Mayor Dirksen opened the public hearing.
- b. Staff Report

Liz Newton, Assistant to the City Manager, stated Council held a public hearing on the ballot title for the Bull Mountain annexation on August 10, and Resolution 04-60 was adopted. Tigard's Municipal Code 1.12.030 allows for appeals of ballot titles, and provides appeals must be filed within seven business days of Council's approval of the resolution, review of any appeal is by the City Council, and that review is the first and final review. Two appeals were received within the timeline after the August 10 approval, from Henry Kane (included in agenda packet) and Ellen Godowski (Agenda Item #8, Exhibit 1). Copies of the appeals were forwarded to the Council for their review. She then asked Mr. Ramis, City Attorney, to comment about the appeals themselves and to relay the Council's discussion during the study session.

City Attorney Tim Ramis stated he would recommend Council allow anyone to testify during the public hearing regarding the appeals. He noted there are four issues relating to the ballot title that could be appealed: 1) the ballot title did not meet the limitation on the number of words (10 words for caption, 20 words for question, or 150 words for summary); 2) challenge on whether the ballot title is concise; 3) challenge that the ballot title is unfair; and 4) the ballot title is insufficient. He noted the last three areas were subjective where Council would be called on to exercise judgment whether the ballot title as written is fair and accurate. Council has discretion to make changes to the ballot title based on the objections that have been filed.

Mr. Ramis noted Mr. Kane raised the issue of accuracy of the notice of proceeding. He has reviewed the controlling statute and has determined the notice was adequate. The statute did not require a specific publication to include the exact language or the ballot title before the hearing on the ballot title. It does require that once the ballot title is adopted, a legal notice be published which includes the caption, question and summary, and indicate there is opportunity for an elector to challenge the ballot title, which was accomplished.

Mr. Ramis explained in Oregon, city governments have a choice relating to the review process for filing an appeal on a ballot title. A city can simply rely on the statute, meaning an elector dissatisfied with a ballot title files a petition with the county circuit court the city's administrative office is located in. Tigard has taken the alternative route, whereby instead of appealing to the circuit court, the City

Council has adopted an ordinance to make the City Council the appeals body. The Tigard City Council is the decision maker, the same way a circuit court judge would be.

Mr. Ramis reported that during the Council's Study Session, there was discussion about the process. He noted no findings were required as in a land use case. The question the Council has to decide is whether the ballot title itself meets the requirements of the statute. Council will listen to evidence and arguments and then make a decision to change the ballot title or deny the challenge and re-approve the ballot title.

Mayor Dirksen noted the two individuals who filed challenges will be allowed to speak first, and testimony is limited to five minutes per person. Comments are to be directed to the ballot title issue.

c. Public Testimony

- Henry Kane, 12007 SW Camden Lane, Beaverton, asked that Ms. Godowski's challenge be incorporated as part of his testimony, with the exception of her argument on the two-subject matter (See Agenda Item 8, Exhibit 1, referred to earlier). Ballot title law requires the summary provide the major effect or effects of a yes vote. Ms. Godowski pointed out the reference to reduced property taxes is uninformative and does not tell what the tax burden will be for Bull Mountain residents. He did not think the city property tax would include the library bond issue, but the measure does not say that it does or does not. Therefore, voters will not know what they are voting on because the language is imprecise. He could not tell if there will be a net reduction for taxpayers for current City of Tigard residents or the Bull Mountain area. The ballot title does not provide information that is required. It is a simple matter of making appropriate corrections to make it right.
- Mr. Kane stated he had pointed out errors of fact in the explanatory statement in his appeal notice. There is still plenty of time for City staff to look at his objections, prepare appropriate language to address his concerns, for Council review and approval, and for the City elections official to file the corrected ballot title and explanatory statement with Washington County Elections Division.

Mr. Kane pointed out the alternative is not good, as the opponents will point out where the information is wrong. He pointed out several instances: The net property tax increase of \$317 figure is incorrect, and the ballot measure could indicate what the tax rate would be by adding the 3 percent increase a year allowed under Measure 50. Many concerns could be avoided by simply

instructing staff to look at the objections, all of which have merit, and addressing the concerns. Ms. Godowski has stated her concerns, and since this measure involves money and considerable increase of taxes, there should be more reference to what the increase will be.

- Alice Ellis Gaut, 10967 SW Chateau Lane, Tigard, stated she is concerned about fiscal impact issues relating to both sufficiency and fairness. The fiscal impacts to both residents of the existing City of Tigard and the Bull Mountain areas need to be addressed equally. There has been discussion about including the phase in of taxes in the caption and question, but nothing addresses the impacts on current city residents. She believed the costs of existing city residents will go up and it is not clear when new revenues will be realized. There is nothing in the measure to address the capital improvement projects that will be added to the city's list for the Bull Mountain area and when they will be done. Realizing the word limits in the caption, question and summary, possibly the information could be added to the explanatory statement. It would be helpful to know what the projections are for increased revenues and operating costs if the Bull Mountain area annexation is approved. She asked if there is no tax increase or reduction to existing city residents, how will the City accomplish the capital improvement projects and provide these other services to the Bull Mountain area. The existing City residents need to understand what the impacts will be on them as well.

Mayor Dirksen noted there was no one else who had signed up to testify.

d. Council Discussion

Mr. Ramis stated he had some comments about the process before Council deliberates. Ms. Godowski's comments deal primarily with the idea of putting in place some language that gives notice to voters that there will be a phase-in of taxes for the area being annexed. If Council concurs, there are several places in the ballot title that probably should be changed. The caption should be changed to read, "Annexation by Tigard of Bull Mountain areas with phased in taxation." The summary speaks about "city rate" in the last paragraph. There may be other ways to phrase that statement, and currently 12 to 15 words could be added and still be within the word count limit.

Ms. Newton stated the word count for the caption as just stated would be 11 words which are over the word limit.

Mr. Ramis replied he would remove the word "areas", so the caption would read, "Annexation by Tigard of Bull Mountain with phased in taxation." This

would be within the 10 word limit. The ballot title question Ms. Godowski recommended, which he concurs with, states, "Shall unincorporated Bull Mountain be annexed to Tigard with property taxes reduced for two years within the annexed areas?"

The Council discussed whether to change "reduced" to "phased in" in the question, and concurred to make that change, to read, "Shall unincorporated Bull Mountain be annexed to Tigard with property taxes phased in for two years within the annexed areas?" The word count is 20 words.

Councilor Wilson indicated his concern about the paragraph in the explanatory statement beginning with the statement, "Newly annexed residents would receive," followed by a list of six services. He was concerned whether these statements are all true, subjectively true, or just the City's opinion. He proposed replacing that statement with the following statement:

"In comparison to the services that Washington County provides residents of the Bull Mountain annexation area, the City of Tigard provides its residents with more police officers per 1000 population, shorter police emergency response times, more park facilities, traffic calming programs, and more frequent road maintenance services."

This changes it to facts that can be substantiated.

After discussion, Council concurred to make that change to the explanatory statement.

Councilor Woodruff noted in the explanatory statement, reference is made to the city tax rate. Both Mr. Kane and Ms. Godowski raised the issue of whether the "city tax rate" included the cost of the library levy or was it just the property tax rate.

Mr. Monahan noted he thought Council gave direction at the last hearing that this referred to just the property tax rate.

Mayor Dirksen asked if Council wanted to change that to add the library bond in the phase-in language.

Councilors discussed what they meant by "city tax rate." The question was also raised what happens should the City propose a serial levy during the three-year period, even though there are no plans to do so. Council directed staff to prepare language relating to "the city tax rate" to include any existing or future bond in the statement.

Councilor Woodruff asked if Council needed to include any comment in the explanatory statement about the impact on current Tigard property owners.

Mayor Dirksen indicated it already is included in the explanatory statement where it states, "Property taxes for existing city property owners will not increase as a result of this annexation. Annexation of the Bull Mountain area would not impact service levels for existing city residents."

At this time, the Council did not have any additional requests for staff to prepare language for further review.

Mayor Dirksen indicated this item would be tabled while staff prepares language for Council's consideration, and would move on to the next item.

***NOTE:** The following discussion was held at the conclusion of Item No. 9.

Mayor Dirksen reconvened the public hearing in order for Council to review the revised resolution (See Agenda Item #8, Exhibit 2). Copies of the revision were distributed to Council, staff and audience.

Mr. Ramis indicated that he and Ms. Newton added and deleted language as directed by Council, reviewed it for clarity, and checked the word count. The changes made were as follows:

- Explanatory Statement, fourth paragraph: "All city taxes, including property taxes and bond or serial levies for the area to be annexed, would be phased in over three years." This makes it clear that the tax phase in applies to all city taxes.
- Explanatory Statement, fifth paragraph, last sentence was changed to read: "Property taxes for existing City property owners will not increase, and service levels to existing city residents will not decrease, as a result of this annexation." He checked with the City Manager who verified there is a memorandum from the Finance Director to confirm that statement.
- Explanatory Statement, the list of six services was eliminated, and replaced by the following language: "In comparison to the services that Washington County provides residents of the Bull Mountain annexation area, the City of Tigard provides its citizens with more police officers per 1000 population, shorter police emergency response times, more park facilities, traffic calming programs, and more frequent road maintenance services."

After these changes were made, the word count for the explanatory statement is less than the 500 word limit.

Ms. Newton stated the changes made to the Ballot Title are as follows:

- Caption: "Annexation by Tigard of Bull Mountain with phased in taxation."
- Question: "Shall unincorporated Bull Mountain be annexed to Tigard with city taxes phased in for two years within the annexed area?" The words "with city taxes" replaced "with property taxes" to be consistent with the change that had been made in the explanatory statement.
- Summary: the last paragraph was changed to read as follows: "All city taxes, including property taxes and bond or serial levies in the annexed area would be: FY05-06: 50% of City's rate; FY06-07: 75%, 100% thereafter." Again, this change makes the reference to "city taxes" consistent with the other parts of the ballot measure.

Ms. Newton indicated the changes reflect Council's discussion.

Councilor Sherwood asked if the word "area" could be added following "Bull Mountain" in the Caption.

Ms. Newton stated the Caption word count of 10 words would then be exceeded. The word count of the summary is 147, which under the 150 word limit.

e. Close of Public Hearing

Mayor Dirksen closed the public hearing and asked what action should now be taken.

f. Staff Recommendation

Mr. Ramis stated he recommended Council move to substitute this resolution for the one previously adopted (04-60), and then approve a new resolution with a new number.

g. Council Decision

Upon motion of Councilor Moore, seconded by Councilor Sherwood, TO REPLACE RESOLUTION 04-60 WITH RESOLUTION 04-64.

Motion was approved by the following vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

Upon motion of Councilor Sherwood, seconded by Councilor Woodruff, TO APPROVE RESOLUTION 04-64, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD SUBMITTING THE PROPOSED ANNEXATION OF BULL MOUNTAIN AREAS TO THE VOTERS OF THE CITY OF TIGARD AND TO VOTERS IN THE AREA PROPOSED TO BE ANNEXED.

Motion was approved on the following vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

Mayor Dirksen recessed the meeting at 9:30 p.m. for a break
Mayor Dirksen reconvened the meeting at 9:38 p.m.

9. CONTINUATION OF DISCUSSION OF GOAL 5

Mayor Dirksen asked if the staff was asking for something specific from Council.

Julia Hadjuk, Associate Planner, explained she would not be explaining the entire program again, but would review some elements that are still being worked on in order to give direction to her and Councilor Wilson as Tigard's representatives to the Steering Committee and the Natural Resources Coordinating Committee.

Ms. Hadjuk discussed various components of the Program that had been identified by the Steering Committee:

- One of the overriding goal of the Tualatin Basin Goal 5 program is to improve the environmental health of the Tualatin Basin, with four major elements identified: Non-Regulatory, Regulatory, Revenue, and Administration and Monitoring. The Regulatory and Revenue elements are the biggest components. The Non-Regulatory element consists of education

and stewardship programs, and details of the Administration and Monitoring element, while being an important component, is still being developed. There will be a continual follow-up to reassess the program on a regular basis, to make sure the program is still working and achieving its objectives.

- The Revenue category issues developed to date include a fee in lieu, would be charged for mitigation for properties that cannot be mitigated on site and a proposed surface water management (SWM) fee to help enhance projects throughout the Tualatin River Basin.
- The Regulatory category has received the most public attention because it has both resource impacts as well as component impacts. When the environmental, social, economic and energy (ESEE) consequences analysis was conducted, certain areas or zones with high economic value areas were identified. Those categories were reviewed at the last meeting.
- In Tigard, there are 104 additional acres impacted with 38 acres being considered buildable in commercial areas, 59 additional acres and 45 acres are considered buildable in industrial areas and in residential areas, there are 855 additional impacted areas with 368 acres that are buildable. In all residential zones with an R-7 density, that equals to 1,385 units that are impacted if there is no density transfers.
- Of the issues identified by both the Steering Committee and the Natural Resources Coordinating Committee, the one with the most concern was the mapping and inventory errors that have been made. There needs to be a clear and understandable process for the public to follow to identify and correct those areas on a local level. The other large discussion item now relates to the loss of development capacity and loss of resource capacity. The analysis is currently being worked on to determine a) how much basin capacity will be lost, b) how much resources will be lost, c) how much capacity is available to accommodate the resource mitigation on site, and d) whether or not the mitigation ratio can be accommodated within the basin. Tigard has 1,385 residential units, which is equal to about 13 percent of the total residential units lost of 10,500 in the Tualatin Basin. Tigard's land area is roughly 13 percent of the total basin land area.
- The Metro Council passed a resolution last week to clarify that the program would allow currently allowed uses on developed residential property, meaning that if a land use permit is not required today in jurisdictions, a land use permit would not be required tomorrow. The Steering Committee continues to get that question clarified.
- Another continuing issue is the alternatives analysis and is still being addressed.
- Another issue relates to the light limit areas. An issue paper is being developed.
- The Enhanced Surface Water Management (SWM) fee still is being discussed that would be applied toward cleaning up the water area. Some jurisdictions

feel it should be a tax, that it should be submitted to the voters, or that it should be more. In other words, every property owners who pays a sewer bill would pay the surface water management fee. The reason this is being proposed is that the problem is a basin-wide responsibility, not just the responsibility of the property owner adjacent to the resource, and therefore everyone shares in the resource and that everyone should help pay for it.

- Discussion continues on the future urban areas and the impacts on the urban growth boundary expansion areas.

Ms. Hadjuk stated she had also identified additional concerns she felt still needed to be resolved.

- Mitigation requirements: how mitigation is calculated (square foot per square foot, inch per inch). She is concerned how this might impact Tigard's tree mitigation requirements.
- Fee-in-Lieu of costs. Currently the proposal is land is not included in the fee-in-lieu costs. She feels this undermines/undercuts Tigard's current practices of charging developers a lump sum who want to mitigate on public land.
- Councilor Wilson's concern regarding additional funding for the enhanced surface water management fee, the fee-in-lieu, is not currently on the table for discussion by the Steering Committee or the Natural Resources Coordinating Committee. Other funding ideas or options have not been discussed by the Tigard Council. Other ideas might be tax rates, compensation for resource protection, or bonds for land acquisition. The Coordinating Committee will probably be addressing these issues in more detail.

Mayor Dirksen noted Council had discussed affordable housing earlier in the meeting and asked how does this impacts capacity and is Metro discussing or considering how to address capacity reduction.

Ms. Hadjuk responded this has been discussed but has not been answered. Some people have indicated Metro addressed that question in a recent resolution that cities do not have to accommodate increased capacity or decreased capacity, but when Metro staff is asked if the question of capacity has been addressed, they indicate they are not sure. That question, therefore, still needs to be resolved. There is also the option to expand the urban growth boundary or to increase the density, but the members of the Steering Committee have not received a clear answer from Metro on how that will be accommodated.

Councilor Wilson indicated Susan McLain, Metro Councilor, stated at one of the meetings that Metro had gone on record a number of times that if Goal 5 reduces

capacity, they would bring land into the urban growth boundary (UGB) as opposed to increasing the density. He still is skeptical this would be done.

Ms. Hadjuk stated the Tualatin Basin Steering Committee members had questioned that if an area is reclaimed by the UGB expansion, would it be reclaimed in the same area or another area, possibly on the east side, not in Washington County. This continues to be an issue, but one that cannot be resolved by the Steering Committee, as it would need to be done by Metro Council.

Mayor Dirksen noted the whole concept of Goal 5 related to environmental impacts, and asked if there has been any study made to show the potential environmental benefit would match the problems that are being created as a result of this proposal. He sees a lot of effort being made to accomplish some little benefit or possibly no benefit at all.

Ms. Hadjuk responded this issue has been discussed by identifying the resource land that will potentially be taken for the program and identifying the capacity to mitigate those resources on site. This was an issue Council raised during their last study session relating to the impacts expansion of the UGB would have on environmentally sensitive lands. As part of the UGB expansion, Metro will need to look at those Goal 5 impacts and the resources to protect environmentally sensitive lands.

Councilor Wilson indicated advocates for this program have talked about preservation over mitigation.

Mayor Dirksen asked Ms. Hadjuk what she wanted from the Council.

Ms. Hadjuk responded she had several questions for the Council's consideration.

- Are there any other issues that Councilors have identified, beyond the capacity questions, housing claimed, and environmental concerns?
- Are there other issues that she has not discussed that Council has a feeling about, or something in the program the Council is strongly opposed to that she or Councilor Wilson needs to take back to the respective group?
- Is there something where mitigation should be applied?
- Does there need to be more or less protection, or should the resources be protected as much as possible?

Mayor Dirksen stated he did not feel technically adequate to offer an opinion. He felt a combination of mitigation and protection makes the most sense, as in certain circumstances, protection would be best, but in others, mitigation would be best.

Ms. Hadjuk explained she thought this is what the program is trying to do, and have a program concept that would provide some protection, some mitigation, and allow

some development. The Steering Committee would like to know if there is a balance in the proposed program concepts.

Councilor Sherwood said she could see both positions. If she lived in an area that is protected, she may want strict limits to be applied. On the other hand, if she were the property owner who had owned it for 40 years with the intention of keeping the land in the family or possibly with the intention to develop and use proceeds for retirement, she would not expect that person to give it up freely. There needs to be a way to compensate that person for the land that is being taken, because the rules have now changed.

Councilor Woodruff stated it is easy for everyone to be on board with the concept to have as much protected areas to make the community great. Looking at cases Councilor Sherwood talked about, involves looking at this on a case-by-cases basis, which is a much tougher call. The rules have now changed and a person can no longer do with their property as they had planned. There needs to be a way to compensate those property owners. Otherwise, this comes across as being "big brother" telling others how they can use their property.

Ms. Hadjuk asked if compensation is still a concern that needs to be addressed both by the Steering Committee and the Coordinating Committee.

Mayor Dirksen stated he was thinking more in terms of environmental protection or mitigation. On a case-by-case basis, one may be better than the other. Regarding the political aspects, compromise is the only way this will work, otherwise, it will not fly.

Ms. Hadjuk said she had one more question which she had mentioned in her memorandum. There were requests from some citizen groups to increase the level of protection in certain areas, specifically the flood plain areas. That primarily impacts the residential area because there can be no development in the flood plain in residential areas, but there can be development in the flood plain in commercial and industrial areas. She and Councilor Wilson would like feedback from the Council, in order to know how to respond when proposed changes in the program are made. She asked if the Council felt additional levels of protection in the flood plain, above and beyond what are existing, and the limit levels currently proposed, under the Goal 5 program, whether or not strict limits would be appropriate.

Councilor Sherwood said she did not understand why commercial and industrial development is allowed to occur in the flood plain when residential is not. She thought all areas should have strict limits.

Councilor Wilson responded that commercial and industrial areas have huge parking lots. Many buildings in those areas are built a foot above the 100-year flood level, while the parking lot is in the 100-year flood plain. During the 1996 floods, there were many cases where water flooded the parking lot and came up to the building, but did not flood the buildings. Residential areas are generally the same level. He pointed that every valley is a flood plain, varying between 2-year, 5-year, 10-year, or 100-year flood plain, which is a varying degree of probability that the property will be wet at some given time. Land in the 100-year flood plain is going to be really dry most of the time. He stated that the Committee heard a lot of comments from other jurisdictions. Tualatin Mayor Lou Ogden suggested that the city councils of Tigard and Tualatin hold a joint meeting to discuss this issue, but there is not adequate time to meet jointly given the existing time frame of this proposal, as the Committee is scheduled to meet August 30 and vote on September 13. A number of people still suggest this is not enough time for careful consideration and to thoroughly review the issue given its complexity.

Councilor Wilson noted most of the issues Councilors have raised are the same issues that other members of the Committee also raised, including the capacity issue, the loss of capacity and impacts on provide property without compensation. This is similar to a "have your cake and eat it too" issue, but this is "you can't save it and use it too."

Mayor Dirksen asked if there was a particular change Councilor Wilson suggested.

Councilor Wilson replied he would give protection to all land if there is a way to get the same amount of land outside the boundary and if people who experienced financial impacts as a result of this program were compensated. This would apply to those owners whose property is condemned for public projects, because otherwise it is a abuse of regulations. He cannot in good conscious support condemnation without just compensation. There will be opposition to implementing a new tax to pay for Goal 5 and to acquire land impacted by it. As he sees it, the only potential way out is to buy the land as it is brought into a city that would be impacted by Goal 5. Land that was selling for \$8,000 an acre outside the city would be worth \$100,000 an acre after it is annexed. If there is to be a neutral ground, there would need to be a way to transfer that value from those outside the UGB to inside the UGB. There have been many people through the years who have been concerned about the use of condemnation as a way to acquire land. The vote in November on Measure 37, "Governments Must Pay Owners, or Forgo Enforcement, When Certain Land Use Restrictions Reduce Property Value," may make all this issue mute.

Mayor Dirksen indicated he felt compromise is the way to go. He asked if Council had answered Ms. Hajduk's question.

Ms. Hadjuk replied what she has heard from Council is to make sure compensation is thoroughly and completely addressed before the program is implemented. That is one issue the two committees have expressed concerns about. She indicated she would work with Deputy City Recorder Jane McGarvin to summarize the Council's concerns in order to provide Councilor Wilson with a list of concerns before the Natural Resources Coordinating Committee meeting on Monday.

Ms. Hadjuk indicated that regarding the flood plain issue as it relates to compensation, she did not know if it would be addressed completely to Council's satisfaction. She reminded the Council that currently residential development is prohibited in the flood plain, which commercial and industrial development can occur with proper cut and fill measures taken. In the strictly limited areas, even commercial and industrial development would be impacted by the takings issue.

Councilor Wilson asked if there is a distinction between commercial and industrial areas with residential.

Ms. Hadjuk responded residential development in flood plain areas are currently prohibited. The areas of concern the City has is in the commercial and industrial areas that have moderately limited designations as well as the high density urban designated areas. With the ESEE analysis, there could be a higher Class 1 resource, but it could receive a lower level in the same resource classification. That is what has occurred along Fanno Creek and Ash Creek in the Washington Square Regional Center area, which are in focus areas with currently undeveloped flood plain that could potentially be developed with commercial or industrial uses. She indicated it is fine if the Council still is uncomfortable making a recommendation; she had indicated she would bring the question to Council to see if it had a recommendation. Otherwise, the current limits could be left the way they are now.

Councilor Wilson asked when the Park Survey is scheduled to be presented to the Council. Mr. Monahan indicated it is scheduled for presentation at the September 21 workshop, followed by public comment on September 28.

Councilor Wilson noted there has been a lot of concern by many people that the last green spaces will be lost during this process. Ash Creek is a coveted area the City wants to protect. The reason he asked about the Park Survey, he would like to know whether there is support for a bond measure regarding open space. He noted he did not quarrel with the intent of Goal 5, but does have a problem with the means by which it is proposed to be implemented.

Mayor Dirksen stated he did not think a blanket statement could be made regarding all floodplains as they are not all equal, but needs to be looked at on a case-by-case basis.

Councilor Wilson also noted there has always been a protection of life and property in the floodplain areas. One of the impetus of the Federal Emergency Management Agency (FEMA) is to regulate flood plain and deal with emergencies. This is shifting the focus from protection of property to protection of habitat, a real substantial change. Residential development in flood plain areas are prohibited. Putting a house on stilts would make for a sorry looking neighborhood. In commercial and residential areas, the pads are raised on which the buildings are constructed, but the parking lot is lower and does get flooded, and no harm is done to the building. In the 100-year flood plain, it is anticipated that 99 years out of the 100, the land will remain dry. He said that Washington County Chair Tom Brian stated that in all his years in the legislature and the County, this was the most morally sticky issue he has ever been faced with.


Councilor Moore indicated he agreed that this was a very difficult decision for all the cities, counties and Metro.

10. COUNCIL LIAISON REPORTS


11. NON AGENDA ITEMS

12. ADJOURNMENT

Mayor Dirksen adjourned the meeting at 10:32 p.m.


Jane McGarvin, Deputy City Recorder

Attest:


Mayor, City of Tigard
Date: September 28, 2004